

Gregory S. Tamkin (SBN 175009)
tamkin.greg@dorsey.com
DORSEY & WHITNEY LLP
1400 Wewatta Street, Suite 400
Denver, CO 80202-5549, tel. (303) 629-3400

Maral J. Shoaei (SBN 345117)
shoaei.maral@dorsey.com
DORSEY & WHITNEY LLP
167 Hamilton Avenue, Suite 200
Palo Alto, CA 94301, tel. (303) 352-1146

Kent Schmidt (SBN 195969)
schmidt.kent@dorsey.com
DORSEY & WHITNEY LLP
600 Anton Boulevard, Suite 2000
Costa Mesa, CA 92626-7655, tel. (714) 800-1400

*Attorneys for Plaintiff
Biomedical Device Consultants & Laboratories of
Colorado, LLC*

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Biomedical Device Consultants & Laboratories Of Colorado, LLC v. ViVitro Labs, Inc.	<i>Plaintiff,</i> <i>Defendant.</i>	CASE NO: 2:23-CV-04291-HDV Hon. Judge Hernán D. Vera
PLAINTIFF'S NOTICE OF APPEAL		

ViVitro Labs, Inc.
Counterclaimant,
v.
Biomedical Device Consultants & Laboratories
Of Colorado, LLC
*Counterclaim
Defendant*

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NOTICE OF APPEAL

Notice is hereby given, pursuant to Fed. R. App. P. 3(a)(1), that Plaintiff Biomedical Device Consultants & Laboratories Of Colorado, LLC appeals to the United States Court of Appeals for the Federal Circuit from the Court's August 29, 2023 Order Denying Plaintiff's Motion for Preliminary Injunction (Dkt. No. 91), as well as all orders subsumed within or ancillary to that Order. *See Katz v. Lear Siegler Inc.*, 909 F.2d 1459, 1461 (Fed. Cir. 1990). The Court of Appeals for the Federal Circuit has exclusive jurisdiction over any appeal, pursuant to 28 U.S.C. § 1295(a)(1), as the Complaint in this action included a claim of patent infringement under the Patent Act.

Respectfully submitted this 11th day of September, 2023.

DORSEY & WHITNEY LLP

By */s/ Shannon L. Bjorklund*
Gregory S. Tamkin
Shannon L. Bjorklund
Maral J. Shoaei

Attorneys for Plaintiff Biomedical Device
Consultants & Laboratories of Colorado, LLC

CERTIFICATE OF SERVICE

2 I hereby certify that on this date, a true and correct copy of the foregoing document was served
3 on counsel of record via ECF Notice of Electronic Filing in accordance with the Federal Rules of Civil
4 Procedure and Local Rule 5-3.3.

6 || Dated: September 11, 2023.

/s/ Shannon L. Bjorklund
INSERT NAME